

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Initially, the Examiner states that the Information Disclosure Statement (IDS) filed on November 9, 2000, fails to comply with the provisions of 37 C.F.R. 1.97, 1.98 and MPEP §609, because the statute requires a concise explanation of relevance. The Examiner states that the information in the foreign reference of Shimbo, pp. 389-394, submitted in the IDS, has not been considered. However, it was stated in the IDS that the relevant parts of the Shimbo reference are described in the disclosure of the present application. Page 1, lines 8-17, provides a clear explanation of the relevance of the cited section of the Shimbo reference. Therefore, Applicants respectfully request withdrawal of the objection to the IDS filed on November 9, 2000.

The Examiner objects to the drawings under 37 C.F.R. 1.83(a) stating that in claims 1, 8 and 15, it is unclear who the “receiver” is. The receiver is the end recipient or computer that the electronic revenue stamps are issued to. Applicants submit proposed drawing changes to Figs. 2 and 3 to include the “receiver”. Applicants have also amended the specification to include the receiver as shown in the amended figures. As the original specification and claims disclose the receiver, it is respectfully submitted that no new matter has been added by the amendments to the figures and specification. Therefore, it is respectfully requested that the objection to the drawings be withdrawn.

The Examiner rejects claim 15-21 under 35 U.S.C. §101, stating that no concrete and/or tangible results are achieved based on the mere fact of storing programs on a recording medium, because the recording medium by itself alone cannot generate or create any tangible or concrete results without being in communication with a system that can use the stored executable programs. Applicants have amended the preamble of claims 15-21 to recite proper computer

program storage device claims. Accordingly, it is respectfully requested that the §101 rejection to claims 15-21 be withdrawn.

The Examiner rejects claims 1-21 under 35 U.S.C. §112, second paragraph, because they fail to conform to current US practice. Claims 1-21 have been amended to overcome the §112 rejection.

The Examiner further rejects claims 1, 8 and 15 under 35 U.S.C. §112, second paragraph, because it is unclear if there are insufficient funds for the revenue stamp issuing apparatus to issue a stamp, then how the stamp is issued, i.e. how are extra funds deducted from an insufficient fund? The present invention does not issue a stamp when there are insufficient funds. Claims 1, 8 and 15 have been amended to clarify that such a stamp is not issued when there are insufficient funds.

Additionally, claims 2, 9 and 16 are rejected under 35 U.S.C. §112, second paragraph, because there is insufficient antecedent basis for the limitation “receives a certificate”. The Examiner is not clear on how the invalidating certificate is generated, and how is it known that the revenue stamp is invalid. The claims have been amended to clarify that the verifying means receives a digital certificate if it is determined that the message attached to the electronic revenue stamp has some fault, in which the digital certificate indicates that the electronic revenue stamp is invalid. Support for the amendment is found throughout the specification; specifically, on page 12, lines 11-29). Accordingly, it is respectfully requested that the §112, second paragraph, rejection of claims 1-21 be withdrawn.

Claims 1, 8, 15 and 22 are rejected under 35 U.S.C. §102(e) as being allegedly anticipated by U.S. Patent No. 6,260,028 to Lee (hereinafter “Lee”). Claims 2-7, 9-14 and 16-21

are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Lee in view of U.S. Patent No. 6,058,384 to Pierce et al. (hereinafter "Pierce").

The present invention provides an electronic revenue stamp issuing apparatus that issues an electronic revenue stamp that contains a digital signature of the electronic revenue stamp issuing apparatus on a document. When the electronic revenue stamp is issued, it is issued by a message that includes the document that the electronic revenue stamp and the digital signature is attached to, the amount of the electronic revenue stamp, the identity of the receiver, and the time and date (page 11).

The receiver verifies whether the message has a valid digital signature to determine if the message came from the electronic revenue stamp issuing apparatus, and if it is determined that the digital signature is valid (came from that specific electronic revenue stamp issuing apparatus), then the receiver acknowledges that the message is validly attached. If the receiver determines that the message attached to the electronic revenue stamp has some fault, the receiver issues a digital certificate to the electronic revenue stamp making the electronic revenue stamp invalid.

Public/private key encryption and the use of digital signatures and certificates is well known to those skilled in the art of digital encryption, and is explained in the Shimbo reference disclosed in the IDS of November 9, 2000, and on page 1 of the specification. Therefore, no new matter has been added by the amendment to the claims.

The cited reference of Lee does not disclose an electronic revenue issuing means that attaches a digital signature with the electronic revenue stamp. Additionally, Lee does not disclose the use of digital certificates making the electronic revenue stamp invalid. Anticipation requires the presence in a single prior art reference, disclosure of each and every element of the

claimed invention, arranged as in the claim. Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984). The present invention, as per amended claims 1-22, is patentably distinguishable over the cited reference of Lee, as Lee does not disclose each and every element of claims 1, 8, 15 and 22. Accordingly, the §102(e) rejection is improper, and it is respectfully requested that the rejection be withdrawn and the claims allowed.

Turning to the §103(a) rejection of dependent claims 2-7, 9-14 and 16-21, it must be noted that the Examiner relies on Lee, in combination with Pierce, to support the asserted rejection. As set out above, Lee does not disclose all the elements of independent claims 1, 8 and 15. Accordingly, since dependent claims 2-7, 9-14 and 16-21 recite additional unique elements and/or limitations, claims 2-7, 9-14 and 16-21 remain patentable over the asserted combination since the cited additional reference does not supply the elements missing from Lee with respect to the independent claims. Therefore, it is respectfully requested that the §103(a) rejection of claims 2-7, 9-14 and 16-21 be withdrawn, and respectfully requested that the claims be allowed.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice

of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorney would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,


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Enclosures (Request for Approval of Drawing Changes)